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Marlene H. Dortch, Secretary
Federal Communications Commission
The Portals
445 12th Street, S.W., TW-A325
Washington, DC 20554

SEP - 8 2003

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

NOTICE OF EX PARTE
COMMUNICATION

**Re: Implementation of the Pay Telephone Reclassification and Compensation
Provisions of the Telecommunications Act of 1996, CC Docket No. 96-128**

Dear Ms. Dortch:

On September 4, 2003, Albert H. Kramer and Robert F. Aldrich, attorneys for the American Public Communications Council ("APCC"), had a meeting with Jeff Carlisle, Deputy Chief of the Wireline Competition Bureau, Gregory Cooke, Deputy Chief of the Competition Policy Division, and Daryl Cooper of the Division staff.

We discussed recent decisions in dial-around compensation, and in particular the decision in *Greene v Sprint Communications*, No. 02-CV-3841 (C.D. Cal. July 2, 2002), appeal docketed, No. 02-563339 (9th Cir. 2002), in which a district court ruled that there is no private right of action in court for violation of the Commission's compensation regulations. We argued that in the Commission's pending rulemaking on who should be responsible for paying compensation for calls routed to switch-based resellers ("SBRs"), the Commission should consider the impact of the *Greene* decision. We argued that the prospect that the Commission would have sole responsibility for enforcing compensation rules makes it even more critical for those rules to be shaped in ways that limit the number of carriers against whom enforcement proceedings would potentially need to be brought.

Sincerely,



Robert F. Aldrich

cc: Jeff Carlisle
Gregory Cooke
Daryl Cooper

11/11/2003 07:11
B.A.S.C.E.

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